

Kelley, Aaron (DOH)

From: Gerard, Christopher L (DOH)
Sent: Tuesday, July 25, 2017 3:05 PM
To: Kirschenman, Sara J (DOH)
Subject: Docs
Attachments: Cascade Behavioral Hospital, HPSY, CLG, NOI.docx; CFR to WAC.docx

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**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH**

In the Matter of

**CASCADE BEHAVIORAL HOSPITAL LLC.
D/B/A CASCADE BEHAVIORAL HOSPITAL**
Credential No. HPSY.FS.60429197

Respondent

No. M2017-712

NOTICE OF INTENT TO MODIFY

Pursuant to RCW 43.70.115, the Executive Director of the Psychiatric Hospital Program (Program), on designation by the Secretary, having authority to regulate Psychiatric Hospitals under chapter 71.12 RCW and chapter 246-322 WAC, hereby provides Notice of Intent to Modify License No. HPSY.FS.60429197. This Notice will take effect and become a Final Order, without further notice, twenty-eight (28) days after receipt absent a timely request for an adjudicative proceeding. This Notice is based on the following findings of fact and conclusions of law.

1. ALLEGED FACTS

1.1 On November 25, 2013, the State of Washington issued Cascade Behavioral Hospital LLC d/b/a Cascade Behavioral Hospital (Cascade) a license to operate as a psychiatric hospital. Respondent's license is currently active.

1.2 In addition to being a State licensed psychiatric hospital, Respondent is a federal certified psychiatric hospital and is subject to meeting Conditions of Participation in 42 CFR part 482 and 42 CFR part 412. The Washington State Department of Health Psychiatric Hospital Program surveys hospitals on behalf of the Federal Department of Health and Human Services Centers for Medicare & Medicaid Services (CMS) to determine compliance with Conditions of Participation.

1.3 On or around December 21, 2016, the Program, on behalf of CMS completed a Medicare Hospital Complaint Survey of Cascade. The survey resulted in the issuance of a Statement of Deficiencies (SOD), which is incorporated by reference and attached to this Notice of Intent to Modify (Notice) as Attachment 1. As documented in the SOD, the survey identified conditions at Cascade that did not meet CMS' Conditions of Coverage in the areas of: Governing Body, Patient Rights, Quality

Assessment and Performance Improvement, Pharmaceutical Services, and Physical Environment. The survey team also identified a situation at Cascade that constituted “Immediate Jeopardy” as defined in 42 CFR § 489.3. The “Immediate Jeopardy” was removed eight (8) days after completion of the survey. The conditions identified at Cascade and documented in the SOD also fell below the minimum standards established in chapter 70.230 RCW and chapter 246-322 WAC. Cascade agreed to correct the deficiencies in a Plan of Correction (POC) that was accepted by CMS on or around XXXXX.

1.4 On or around March 10, 2017, the Program, on behalf of CMS completed a Medicare Hospital Complaint Survey Follow-up Visit of Cascade. The survey resulted in the issuance of a SOD, which is incorporated by reference and attached to this Notice as Attachment 2. As documented in the SOD, the survey identified conditions at Cascade that did not meet CMS’ Conditions of Coverage in the areas of: Governing Body, and Patient Rights. The survey team also identified a situation at Cascade that constituted “Immediate Jeopardy” as defined in 42 CFR § 489.3. The “Immediate Jeopardy” was removed by completion of the survey. The conditions identified at Cascade and documented in the SOD also fell below the minimum standards established in chapter 70.230 RCW and chapter 246-322 WAC. Cascade agreed to correct the deficiencies in a Plan of Correction (POC) that was accepted by CMS on or around XXXXX.

1.5 On or around May 5, 2017, the Program, on behalf of CMS completed a Medicare Hospital Complaint Survey Follow-up Visit of Cascade. The survey resulted in the issuance of a SOD, which is incorporated by reference and attached to this Notice as Attachment 3. As documented in the SOD, the survey identified conditions at Cascade that did not meet CMS’ Conditions of Coverage in the areas of: Governing Body. The survey team also identified a situation at Cascade that constituted “Immediate Jeopardy” as defined in 42 CFR § 489.3. The “Immediate Jeopardy” was removed by completion of the survey. The conditions identified at Cascade and documented in the SOD also fell below the minimum standards established in chapter 70.230 RCW and chapter 246-322 WAC. Cascade agreed to correct the deficiencies in a Plan of Correction (POC) that was accepted by CMS on or around XXXXX.

2. ALLEGED VIOLATIONS

2.1 Based on the alleged facts made in Section 1 of this Notice, Respondent is in violation of RCW 70.230.070(3); RCW 70.230.080(1) and (4);

2.2 The above violations provides grounds for modifying Respondent's license under RCW 70.12.500 and WAC 246-322-025(4).

3. NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The executive director of the Program directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these allegations. If Respondent fails to defend against these charges, Respondent may have its psychiatric hospital credential modified under RCW 71.12.500 and WAC 246-322-025(4) without further notice or opportunity for a hearing.

DATED: _____, 2017

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
PSYCHIATRIC HOSPITAL PROGRAM

NANCY TYSON
EXECUTIVE DIRECTOR

Cascade Behavioral Hospital

May 5, 2017

Tag	C.F.R.	WAC
Licensure of Personnel – A023	42 C.F.R. 482.11(c)	WAC 246-322-050(3), (12)(b)
<i>Governing Body – A043</i>	42 C.F.R. 482.12	WAC 246-322-040
Medical Staff – A045	42 C.F.R. 482.12(a)(1)	WAC 246-322-040(8)(c)?
Emergency Services – A093	42 C.F.R. 482.12(f)(2)	WAC 246-322-040(1), WAC 246-322-035(g), WAC 246-322-170(3)(a)
Nursing Care Plan – A396	42 C.F.R. 482.23(b)(4)	WAC 246-322-200?

March 10, 2017

Tag	C.F.R.	WAC
<i>Governing Body – A043</i>	42 C.F.R. 482.12	WAC 246-322-040
<i>Patient Rights – A115</i>	42 C.F.R. 482.13	WAC 246-322-035(1)(d), WAC 246-322-050(6)(g), (7)(b)(iv) ¹
Patient Rights – Care in Safe Setting - A144	42 C.F.R. 482.13(c)(2)	No equivalent provision
Patient Rights – Restraints or Seclusion – A164	42 C.F.R. 482.13(e)(2)	No equivalent provision
Patient Safety – A286	42 C.F.R. 482.21(a), (c)(2), (e)(3)	WAC 246-322-040(8)(i)?

December 21, 2016

Tag	C.F.R.	WAC
<i>Governing Body – A043</i>	42 C.F.R. 482.12	WAC 246-322-040
Contracted Services – A084	42 C.F.R. 482.12(e)(1)	No equivalent provision
<i>Patient Rights – A115</i>	42 C.F.R. 482.13	WAC 246-322-035(1)(d), WAC 246-322-050(6)(g), (7)(b)(iv) ²
Patient Rights: Notice of Grievance Decision – A123	42 C.F.R. 482.13(a)(2)(iii)	No equivalent provision
Patient Rights: Exercise of Rights – A129	42 C.F.R. 482.13(b)	No equivalent provision
Patient Rights: Restraint or Seclusion – A164	42 C.F.R. 482.13(c)(2)	No equivalent provision
Patient Rights: Restraint or Seclusion – A174	42 C.F.R. 482.13(e)(2)	No equivalent provision
<i>QAPI – A263</i>	42 C.F.R. 482.21	WAC 246-332-040(1) and (8)(i)

¹ These above provisions related to policies and procedures for patient rights and ensuring that staff members are educated on patient rights pursuant to RCW 71.05 and 71.34

² These above provisions related to policies and procedures for patient rights and ensuring that staff members are educated on patient rights pursuant to RCW 71.05 and 71.34

Date Collection and Analysis – A273	42 C.F.R. 482.21(a), (b)(1), (b)(2)(i), (b)(3)	WAC 246-322-040(1) and (8)(i)
Patient Safety – A286	42 C.F.R. 482.21(a), (c)(2), (e)(3)	WAC 246-322-040(8)(i); WAC 246-322-260
QAPI: Executive Responsibilities – A309	42 C.F.R. 482.21(e)(1), (e)(2), (e)(5)	WAC 246-322-040(8)(i) - ?
Administration of Drugs – A405	42 C.F.R. 482.23(c)(1), (c)(1)(i), (c)(2)	WAC 246-322-210(3)(c) - ?
Pharmaceutical Services – A490	42 C.F.R. 482.25	WAC 246-322-210
Pharmacy Administration – A491	42 C.F.R. 482.25(a)	No equivalent provision, could argue it is under WAC 246-322-210(3). For the specific facts, could be under WAC 246-322-210(3)(g).
Pharmacy Personnel – A493	42 C.F.R. 482.25(a)(2)	No equivalent provisions, but appears like could be arguably under WAC 246-322-210(3)(k)
Delivery of Drugs – A500	42 C.F.R. 482.25(b)	No equivalent, but facts under the citation arguably fall under WAC 246-322-210(3)(k)
Physical Environment – A700	42 C.F.R. 482.41	WAC 246-322-120
Maintenance of a Physical Plant – A701	42 C.F.R. 482.41(a)	WAC 246-322-120(1)
Life Safety from Fire – A710	42 C.F.R. 482.41(b)(1)(2)(3)	RCW 71.12.485
Facilities Supplies Equipment Maintenance – A724	42 C.F.R. 482.41(c)(2)	No equivalent provision related to expired products.
Ventilation, Light, Temperature Controls – A726	42 C.F.R. 482.41(c)(4)	WAC 246-322-120(3)-(6)
Infection Control program – A749	42 C.F.R. 42(a)(1)	WAC 246-322-100(1)

Redaction Summary (0 redactions)

0 Privilege / Exemption reason used:

Redacted pages: